

Dept. # 1 AssignedDebra K. Weintrob

1 William P. Parkin, SBN 139718
 2 Yuchih Pearl Kan, SBN 294563
 3 Nicholas Whipps, SBN 306865
 4 WITTWER PARKIN LLP
 5 147 S. River Street, Suite 221
 6 Santa Cruz, CA 95060
 7 Telephone: (831) 429-4055
 8 Facsimile: (831) 429-4057
 9 wparkin@wittwerparkin.com
 10 pkan@wittwerparkin.com
 11 nwhipps@wittwerparkin.com

FILED
 Superior Court of California
 County of Los Angeles

AUG 16 2018

Sherri R. Carter, Executive Officer/Clerk
 By Ricardo Perez Deputy
 Ricardo Perez

12 Attorneys for Petitioners,
 13 ALEXIS OLBREI, DAN MACDONALD, and
 14 SOUTHWEST REGIONALCOUNCIL
 15 OF CARPENTERS

Q0012

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 17 FOR THE COUNTY OF LOS ANGELES

18 ALEXIS OLBREI, DAN MACDONALD, and
 19 SOUTHWEST REGIONAL COUNCIL OF
 20 CARPENTERS,

Case No. **BS 174795**

Petitioners,

PETITION FOR WRIT OF MANDAMUS

vs.

[CEQA CASE]

21 CITY OF LOS ANGELES, CITY PLANNING
 22 COMMISSION OF THE CITY OF LOS
 23 ANGELES, and DOES 1 THROUGH 15,

Respondents,

| | |
|------------|-------------------|
| RECEIPT #: | OCN521655017 |
| DATE PAID: | 08/16/18 12:07 PM |
| PAYMENT: | \$435.00 |
| RECEIVED: | 310 |
| CHECK: | \$0.00 |
| CASH: | \$0.00 |
| CHANGE: | \$0.00 |
| CARD: | \$435.00 |

24 CP V 520 MATEO, LLC, and DOES 16
 25 THROUGH 30,

Real Parties in Interest.

CIT/CASE: BS174795
 LEA/DEF#:

08/18/2018

I. INTRODUCTION

2 1. On June 14, 2018, the City of Los Angeles, by and through its City Planning
3 Commission, (collectively referred to herein as “Respondents”) approved a mixed-use
4 live/work development project comprising 475 live/work dwelling units and up to 125,000
5 square feet of commercial and office floor area at 520 Mateo Street (Project). Respondents
6 also certified an Environmental Impact Report (EIR) for the Project and adopted Findings for
7 the EIR, a Statement of Overriding Considerations, and a Mitigation Monitoring Program.
8 Respondents bifurcated consideration of the Project into two cases that were separately
9 agendized, but jointly considered, at the Planning Commission hearing on June 14, 2018.
10 Respondents considered and denied an appeal of Case No. VTT-74529-1A, which concerns the
11 approval of a Vesting Tentative Tract for the merger and re-subdivision for condominium
12 purposes of a 2.23-acre site into one Master Lot and 14 airspace lots for the development of the
13 Project (VTT Approval). Respondents also separately agendized and approved additional
14 approvals for the Project on the same day, June 14, 2018 under Case No. CPC-2016-3853-
15 GPA-VZC-HD-ZAD-SPR (General Plan Amendment Approval).

16 2. Pursuant to the General Plan Amendment Approval, Respondents (1) found that
17 no subsequent EIR or addendum is required for approval of the Project, (2) approved and
18 recommended that the Mayor and City Council approve a General Plan Amendment to the
19 Central City North Community Plan to change the Land Use Designation of the project site
20 from Heavy Manufacturing to Regional Center Commercial land use, (3) approved and
21 recommended that the City Council adopt a Vesting Zone Change and Height District Change,
22 (4) approved the Zoning Administrator's Determination to reduce parking for Joint Living and
23 Work Quarters, and (5) approved a Site Plan Review for a development project creating 50 or
24 more guest rooms and/or 50,000 gross square feet of non-residential floor area. The VTT
25 Approval and the General Plan Amendment Approval were separately memorialized in two
26 separate letters of determination which were issued on July 18, 2018.

27 3. Petitioners Alexis Olbrei, Dan Macdonald, and the Southwest Regional Council
28 of Carpenters (collectively referred to herein as "Petitioners") challenge the approval of the

1 Project on the grounds that the Project does not comply with the California Environmental
2 Quality Act (CEQA—Pub. Resources Code § 21000 et seq.) because, *inter alia*, the EIR fails
3 to provide an adequate alternatives analysis, the EIR’s discussion of greenhouse gases,
4 hazardous materials, and cumulative impacts is inadequate, and the EIR fails to disclose the
5 proper baseline for hazardous materials. Respondents’ certification of the EIR and approval of
6 the Project constitutes an abuse of discretion and must be reversed. Petitioners also challenge
7 Respondents’ abuse of process in considering the Project in violation of the procedural
8 mandates set forth under the City Code and the City Charter of the City of Los Angeles.

9 4. Respondents improperly presented the VTT Approval portion of the Project to
10 the Advisory Agency as the decision-making authority when the City Code requires the City
11 Planning Commission to be the initial decision-making authority for projects requiring multiple
12 approvals, such as this one. Having erred in presenting the VTT Approval to the Advisory
13 Agency, Respondents then erroneously issued a ten (10) day appeal deadline for the VTT
14 Approval when the City Code provides for a twenty (20) day appeal period for projects
15 requiring multiple approvals, such as the Project at issue. Respondents' failure to proceed
16 according to the requirements set forth under their City Code constitutes a failure to proceed in
17 a manner required by law. On August 1, 2018, Petitioners appealed the decision of
18 Respondent City Planning Commission. However, this action was required to be filed within
19 35 days of the filing of the Notice of Determination. (Pub. Resources Code § 21167.) As
20 discussed *infra*, Respondents improperly bifurcated the appeals process and denied Petitioners
21 due process of law.

II. PARTIES

23 5. Petitioners hereby incorporate by reference paragraphs 1 through 4 as if fully set
24 forth herein.

25 6. Alexis Olbrei is a taxpayer and resident of the City of Los Angeles, where the
26 Project is located. Dan Macdonald is a taxpayer and resident of the City of Los Angeles,
27 where the Project is located.

28 7. Southwest Regional Council of Carpenters is a labor union representing 50,000

1 union carpenters in six states, including in southern California, and has a strong interest in
2 addressing the environmental impacts of development projects, such as the Project. Members
3 of Petitioner Southwest Regional Council of Carpenters reside in the City and in the County of
4 Los Angeles, and include residents affected by the Project, whose interests will be adversely
5 affected by the violations of CEQA and approval of the Project. Southwest Regional Council
6 of Carpenters submitted comments on the Project that addressed the inadequacies of
7 Respondents' environmental review.

8 8. Respondent City of Los Angeles, acting through Respondent City Planning
9 Commission of the City of Los Angcles, is a charter city. On July 18, 2018, Respondents
10 issued two separate Letters of Determination memorializing their actions at the June 14, 2018
11 City Planning Commission Meeting where Respondents approved the multiple approvals
12 required for the Project and certified the EIR for the Project. On July 18, 2018, a Notice of
13 Determination was filed with the County Clerk of the County of Los Angeles for Respondents'
14 certification of the EIR.

15 9. The true names and capacities, whether individual, corporate, or otherwise, of
16 Does 1 through 15, are unknown to Petitioners who therefore sue said Respondents by such
17 fictitious names and will seek leave to amend this Petition for Writ of Mandamus when their
18 identities have been ascertained.

19 10. Petitioners are informed and believe that at all times herein alleged,
20 Respondents and each of them were the agents and employees of each of the remaining
21 Respondents and while doing the things herein alleged, were acting within the course and
22 scope of such agency and employment.

23 11. Real Party in Interest CP V 520 Mateo, LLC is a Delaware Limited Liability
24 Company. Respondents' Notice of Determination identified CP V 520 Mateo, LLC as the
25 Project applicant and Real Party in Interest. On information and belief, CP V 520 Mateo, LLC
26 applied for and received approvals from Respondents for the Project.

27 12. The true names and capacities, whether individual, corporate, or otherwise, of
28 Does 16 through 30, are unknown to Petitioners who therefore sue said Real Parties in Interest

1 by such fictitious names and will seek leave to amend this Petition for Writ of Mandamus
2 when their identities have been ascertained.

3 13. Petitioner is informed and believes that at all times herein alleged, Real Parties
4 in Interest and each of them were the agents and employees of each of the remaining Real
5 Parties in Interest and while doing the things herein alleged, were acting within the course and
6 scope of such agency and employment.

III. STANDING

9 14. Petitioners hereby incorporate by reference paragraphs 1 through 13 as if fully
10 set forth herein.

11 15. Approval of the Project will adversely affect the interests of Petitioners Alexis
12 Olbrei and Dan Macdonald. Petitioners Alexis Olbrei and Dan Macdonald are individuals
13 dedicated to the protection of the environment in the City and in the County of Los Angeles by
14 participating in local environmental and land use policy and decision making. Petitioners
15 Alexis Olbrei and Dan Macdonald are residents in the City of Los Angeles and are affected by
16 the Project, and whose interests in preservation of the environmental integrity of the County
17 will be adversely affected by the lack of proper environmental review under CEQA and
18 approval of the Project. Petitioners are also members of Petitioner Southwest Regional
19 Council of Carpenters. Petitioner is an “aggrieved person” within the meaning of Public
20 Resources Code § 21177.

16. Approval of the Project will adversely affect the interests of Petitioner Southwest Regional Council of Carpenters and its members. Said organization is a labor union that is dedicated to also preserving the environment for its members, including those in the County of Los Angeles. Approval of the Project and certification of the EIR will adversely affect these interests of Petitioner Southwest Regional Council of Carpenters and its members. Members or representatives of Petitioner Southwest Regional Council of Carpenters, on behalf thereof, have submitted comments on and objections to the lack of CEQA compliance during the administrative proceedings where the Project was considered. Accordingly, Petitioner

1 Southwest Regional Council of Carpenters is an "aggrieved person" within the meaning of
2 Public Resources Code § 21177. The claims asserted and relief requested are broad-based, so
3 that participation in the litigation by individual members is not required.

4 17. Jurisdiction of this court is invoked pursuant to California Code of Civil
5 Procedure Sections 1085 and 1094.5; California Public Resources Code Section 21167; CEQA
6 Guidelines Section 15112; the Constitution of the State of California; the Constitution of the
7 United States; and other applicable laws and regulations.

8

9 **IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

10 18. Petitioners hereby incorporate by reference paragraphs 1 through 17 as if fully
11 set forth herein.

12 19. Petitioners have performed all conditions precedent to the filing of this Petition
13 by themselves or others, raising each and every issue known to them before Respondents, in
14 compliance with Public Resources Code § 21177, Code of Civil Procedure §§ 1085 and
15 1094.5, and other applicable law.

16 20. Notice of the filing of this action as required by Public Resources Code §
17 21167.5 was mailed to Respondents on August 16, 2018. (Letter and Proof of Service are
18 attached hereto as Exhibit "A.")

19

20 **V. FIRST CAUSE OF ACTION**
21 **Violation of the California Environmental Quality Act**
22 **[Public Resources Code § 21000 et seq.]**

23 21. Petitioners hereby incorporate by reference paragraphs 1 through 20 as if fully
24 set forth herein.

25 22. Respondents' approval of the EIR constitutes an abuse of discretion because,
26 *inter alia*, the EIR fails to provide an adequate alternatives analysis, Respondents applied
27 improper greenhouse gas thresholds and the EIR's greenhouse gas analysis is inadequate, the
28 EIR provided a faulty cumulative impacts analysis, and Respondents erroneously failed to

0
1
2
3
4
5
6
7
8
9

1 disclose the proper baseline for hazardous materials.

2 23. CEQA requires alternatives to the project which “(1) offer substantial
3 environmental advantages over the project proposal (Pub. Resources Code, § 21001); and (2)
4 may be ‘feasibly accomplished in a successful manner’ considering the economic,
5 environmental, social and technological factors involved.” (*Citizens of Goleta Valley v. Board*
6 *of Supervisors* (1990) 52 Cal.3d 553, 566.) “[T]he key to the selection of the range of
7 alternatives is to identify alternatives that meet most of the project’s objectives but have a
8 reduced level of environmental impacts.” (*Watsonville Pilots Assn. v. City of Watsonville*
9 (2010) 183 Cal.App.4th 1059, 1089.) The EIR fails to satisfy the first prong of the alternatives
10 requirement because the alternatives presented do not offer substantial environmental
11 advantages over the project proposal.

12 24. An EIR must “include a description of the physical environmental conditions in
13 the vicinity of the project, as they exist at the time the notice of preparation is published.”
14 (CEQA Guidelines § 15125(a).) The City did not adequately evaluate, disclose, or describe
15 baseline environmental conditions in regard to a variety of resource categories, including air
16 quality, greenhouse gases, and hazards and hazardous materials.

17 25. Respondents improperly relied on thresholds of significance they have not
18 themselves adopted. California law requires Respondents to determine the Project’s
19 contribution to greenhouse gas emissions. CEQA Guidelines allow an agency to determine the
20 significance of Project-level greenhouse gas impacts, for instance, by setting quantitative
21 emissions thresholds and by determining consistency with a Climate Action Plan, consisting of
22 regulations “adopted by the relevant public agency through a public review process.” (CEQA
23 Guidelines § 15064.4(b).) To be relied on as mitigation, this plan must actively “reduce or
24 mitigate the project’s incremental contribution of greenhouse gas emissions.” (CEQA
25 Guidelines § 15064.4(b).)

26 26. Respondents evaluate the consistency of the Project with, *inter alia*, the
27 California Air Resources Board’s AB 32 Scoping Plan (Scoping Plan) to conclude Project-
28 level impacts under this significance threshold are less than significant prior to mitigation. The

1 Scoping Plan is a statewide plan designed to reduce certain categories of greenhouse gases
2 consistent with the mandate of State greenhouse gas laws. However, *Center for Biological*
3 *Diversity v. California Department of Fish and Wildlife* (2015) 620 Cal.4th 204, a recent
4 landmark California Supreme Court decision, noted that the Scoping Plan was not designed or
5 intended to be used at the Project-level. This case held that, to rely on the Scoping Plan, an
6 agency, such as Respondents, must provide analysis that adequately explains why application
7 of the Scoping Plan at the Project-level would be suitable under the circumstances.
8 Respondents provided no such analysis and, thus, Respondents' reliance on the Scoping Plan is
9 erroneous. Respondents' reliance on this or any other plan not adopted by Respondents is
10 unlawful and erroneous. (CEQA Guidelines § 15064.4(b).) In addition, Respondents' use of
11 the Scoping Plan did not serve to "reduce or mitigate the project's incremental contribution of
12 greenhouse gas emissions," as required by law. (CEQA Guidelines § 15064.4(b).)
13 Accordingly, Respondents' significance determination as measured against the Scoping Plan is
14 without merit.

15 27. Respondents failed to provide an adequate cumulative impacts analysis for,
16 *inter alia*, air quality and greenhouse gas emissions. CEQA requires Respondents to consider
17 direct, indirect, and cumulative impacts. Cumulative impacts include direct or indirect impacts
18 caused by the Project that may be less than significant at the Project-level but are significant
19 when considered in conjunction with to other past, present, and reasonably foreseeable future
20 development. (CEQA Guidelines § 15355.) Thus, this analysis failed to accurately represent
21 the cumulative impacts of the Project combined with other past, present, and reasonably
22 foreseeable future projects.

23 28. Respondents must prepare an adequate EIR that conforms with all of the
24 procedural and substantive requirements set forth under CEQA. Approval of the Project EIR,
25 which lacked both procedural and substantive requirements under CEQA, constitutes a failure
26 to proceed in a manner required by law.

27 ///
28 ///

VI. SECOND CAUSE OF ACTION

SECOND CAUSE OF ACTION
Denial of Due Process and Violation of City Code of the City of Los Angeles
[City of Los Angeles City Code Section 12.36 and City Charter Section 564]

29. Petitioners hereby incorporate by reference paragraphs 1 through 28 as if fully set forth herein.

30. On Tuesday July 31, 2018, Petitioner Southwest Carpenters attempted to file a timely appeal of the VTT Approval, the General Amendment Approval, and Respondents' certification of the EIR. The appeal was rejected because according to the staff person at the counter the VTT Approval was required to be filed separately from the other project approvals. On August 1, 2018, Petitioner Southwest Carpenters attempted to file an appeal of the VTT Approval and General Plan Amendment Approval, as well as the certification of the EIR for the Project. While the City ultimately accepted the General Plan Amendment Appeal as well as the appeal of the certification of the EIR, the City informed Southwest Carpenters that the appeal period for the VTT Approval had run. The City maintained the position the VTT Approval only had a ten (10) day appeal period.

31. Section 12.36 of the City Code implements City Charter Section 564 for Projects Requiring Multiple Approvals. It states, "Notwithstanding any provision of this Code to the contrary, the following shall apply for a project requiring multiple approvals." (City Code Section 12.36(C).) Under the City Code, in instances where project approvals would typically require an approval or recommendation by the Director of Planning as the initial decision-maker but also require an approval or recommendation by the City Planning Commission as the initial decisionmaker, the City Planning Commission shall have initial decision-making authority for all of the approvals/and or recommendations. Here, the Project requires (1) approval of the vesting tentative map by the Planning Director pursuant to Article 7 of the City Code and (2) a recommendation by the City Planning Commission regarding the General Plan amendment pursuant to Section 551(b) of the City Charter. Thus, the City Planning Commission is the initial decision-making authority under the City Code Section 12.36(C)(1) and Respondents had no authority to bifurcate and require appeal of the VTT

1 Approval to the Planning Commission.

2 32. Section 12.36(C) of the City Code prescribes that "if any Legislative Approval
3 is included then the procedures for consideration and appeal of all applications shall be those
4 set forth in Section 12.32B. through D. of this Code." The Project requires a General Plan
5 amendment, which constitutes a Legislative Approval under the City Code. Further, Section
6 12.32B through D of the City Code provides that "An appeal shall be filed within 20 days of
7 the date of the mailing of the Planning Commission's decision..." Respondents failed to abide
8 by the procedural requirements set forth under their own City Code regarding multiple project
9 approvals and the timing to appeal a City Planning Commission decision by providing only a
10 10-day appeal period for the VTT approval. Though the VTT Approval was ultimately
11 appealed by other parties, regardless, the City has a mandatory duty to abide by the procedural
12 requirements set forth under its City Code. Failure to do so constitutes a failure to proceed in a
13 manner required by law and denied Petitioners due process of law.

14 **VII. ATTORNEYS' FEES**

15 33. Petitioners hereby incorporate by reference paragraphs 1 through 32 as if fully
16 set forth herein.

17 34. In pursuing this action, Petitioners will confer a substantial benefit on the People
18 of the State of California and therefore are entitled to recover from Respondents and Real Parties
19 reasonable attorneys' fees and costs pursuant to California Code of Civil Procedure § 1021.5 ,
20 and other provisions of the law.

21 **VIII. INJUNCTION**

22 35. Petitioners hereby incorporate by reference paragraphs 1 through 34 as if fully
23 set forth herein.

24 36. An actual controversy has arisen concerning Respondents' failure to comply
25 with CEQA (Pub. Resources Code § 21000 et seq.), as set forth above.

26 37. As a result of the above-alleged violations of CEQA, Respondents have failed to
27 conduct adequate environmental review as required by law and, thus, have failed to proceed in
28 a manner required by law in approving the Project.

08/16/2018 10:00 AM

1 38. At all times mentioned herein, Respondents have been able to comply with
2 CEQA, prepare adequate environmental review, and comply with all relevant provisions of
3 law. Notwithstanding such ability, Respondents have failed and continue to fail to perform
4 their duty to comply with CEQA.

5 39. Petitioners are informed and believe, and on that basis allege, that Respondents
6 are threatening to proceed with development of the Project in the near future. Said
7 implementation of the Project will irreparably harm the environment and will result in
8 significant and unmitigated adverse environmental impacts.

9 40. Petitioners possess no speedy, adequate remedy at law, in that implementation
10 and development in connection with the Project will permanently and forever harm, injure,
11 degrade, and impact the environmental values of the City, the County of Los Angeles and the
12 State of California. Petitioners will suffer irreparable and permanent injuries if Respondents'
13 actions described herein are not set aside.

41. A stay and/or restraining order and preliminary and permanent injunction
15 should issue restraining Respondents from proceeding with development of the Project.

16 42. In order to preserve the status quo, a stay and/or restraining order and
17 preliminary and permanent injunction should issue staying Respondents' approval of the
18 Project and certification of the EIR.

PRAYER

20 WHEREFORE, Petitioners pray for judgment as follows:

21 1. For Alternative and Peremptory Writs of Mandate ordering Respondents to set
22 aside any and all Project approvals including, but not limited to, (1) the approval of a Vesting
23 Tentative Tract for the merger and re-subdivision for condominium purposes of a 2.23-acre site
24 into one Master Lot and 14 airspace lots for the development of the Project, (2) approval and
25 recommendation of a General Plan Amendment to the Central City North Community Plan to
26 change the Land Use Designation of the project site from Heavy Manufacturing to Regional
27 Center Commercial land use, (3) approval and recommendation that the City Council adopt a
28 Vesting Zone Change and Height District Change, (4) approval of the Zoning Administrator's

VERIFICATION

I, William P. Parkin, say:

I am the Attorney of Record for Petitioners Alexis Olbrei, Dan Macdonald, and the Southwest Regional Council of Carpenters, parties to this action.

5 I have read the Petition for Writ of Mandamus and know the contents thereof. I am
6 informed and believe that the matters therein are true and on that ground allege that the matters
7 stated therein are true. This verification was not signed by a party to this action because
8 Petitioners are absent from the county where I have my office at the time this Petition for Writ
9 of Mandamus was drafted and ready for filing. This verification was executed on August 16,
10 2018 in Santa Cruz, California.

William P. Parkin

VERIFICATION

EXHIBIT A

Notice of Intent to Commence Litigation

Exhibit A

8/18/2018 11:01:49

Wittwer / Parkin

August 16, 2018

City of Los Angeles and the
City Planning Commission of the City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012

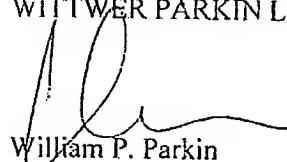
RE: Notice of Intent to Commence Litigation

Pursuant to the requirements of Public Resources Code Section 21167.5, this letter will serve as notice that Alexis Olbrei, Dan Macdonald, and Southwest Regional Council of Carpenters will commence litigation against the City of Los Angeles and the City Planning Commission of the City of Los Angeles ("City").

The litigation challenges the actions of the City (1) to approve a Vesting Tentative Tract for the merger and re-subdivision for condominium purposes of a 2.23-acre site into one Master Lot and 14 airspace lots for the development of the 520 Mateo Project ("Project"), (2) to approve and recommend a General Plan Amendment to the Central City North Community Plan to change the Land Use Designation of the project site from Heavy Manufacturing to Regional Center Commercial land use, (3) to approve and recommend that the City Council adopt a Vesting Zone Change and Height District Change, (4) to approve the Zoning Administrator's Determination to reduce parking for Joint Living and Work Quarters, (5) to approve a Site Plan Review for a development project creating 50 or more guest rooms and/or 50,000 gross square feet of non-residential floor area, and certified the EIR for the Project to allow development of a mixed-use live/work development compromising 475 live/work dwelling units and up to 125,000 square feet of commercial and office floor area. The City's Notice of Determination listed Real Party in Interest CP V 520 Mateo, LLC ("Real Party in Interest") as the Project applicant.

The litigation has been commenced, *inter alia*, because the actions listed in the preceding paragraph do not comply with the requirements of the California Environmental Quality Act (Public Resources Code § 21000 et seq.).

Very truly yours,
WITTWER PARKIN LLP



William P. Parkin

88
87
86
85
84
83
82
81

WITTWER PARKIN LLP / 147 S. RIVER ST., STE. 221 / SANTA CRUZ, CA / 95060 / 831.429.4055

WWW.WITTWERPARKIN.COM / LAWOFFICE@WITTWERPARKIN.COM

PROOF OF SERVICE BY MAIL

I certify and declare as follows:

I am over the age of 18 and not a party to this action. My business address is
WITTWER PARKIN LLP, 147 S. River Street, Suite 221, Santa Cruz, California which is
located in Santa Cruz County where the mailing described below took place.

I am familiar with the business practice at my place of business for the collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

On August 16, 2018 the following document(s):

1. NOTICE OF INTENT TO COMMENCE LITIGATION

were placed for deposit in the United States Postal Service in a sealed envelope, with postage
fully paid to:

City of Los Angeles
City Planning of the City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012

I certify and declare under penalty of perjury that the forgoing is true and correct.

Dated: August 16, 2018

A. McCaig
Ashley McCarroll

PROOF OF SERVICE

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 William P. Parkin, SBN 139718
 WITTWER PARKIN LLP
 147 S. River Street, Suite 221
 Santa Cruz, CA 95060
 TELEPHONE NO.: 831-429-4055 FAX NO.: 831-429-4057
 ATTORNEY FOR (Name): wparkin@wittwerparkin.com

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles
 STREET ADDRESS: 111 North Hill Street
 MAILING ADDRESS: 111 North Hill Street
 CITY AND ZIP CODE: Los Angeles, CA 90012
 BRANCH NAME: Stanley Mosk Courthouse

CASE NAME:
 Alexis Olbrei et al. vs. City of Los Angeles, et al.

| | | | |
|---|---|---|-------------|
| CIVIL CASE COVER SHEET | | Complex Case Designation | CASE NUMBER |
| <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) | <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) | <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) | BS 174 795 |
| | | JUDGE: | |
| | | DEPT: | |

FILED
 Superior Court of California
 County of Los Angeles

AUG 16 2018

Sherri R. Carter, Executive Officer/Clerk
 By *Ricardo Perez* Deputy
 Ricardo Perez

Items 1-6 below must be completed (see instructions on page 2).

| | | | |
|---|--|---|--|
| 1. Check one box below for the case type that best describes this case: | Auto Tort | Contract | Provisionally Complex Civil Litigation |
| | <input type="checkbox"/> Auto (22) | <input type="checkbox"/> Breach of contract/warranty (06) | <input type="checkbox"/> Antitrust/Trade regulation (03) |
| | <input type="checkbox"/> Uninsured motorist (46) | <input type="checkbox"/> Rule 3.740 collections (09) | <input type="checkbox"/> Construction defect (10) |
| | Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort | <input type="checkbox"/> Other collections (09) | <input type="checkbox"/> Mass tort (40) |
| | <input type="checkbox"/> Asbestos (04) | <input type="checkbox"/> Insurance coverage (18) | <input type="checkbox"/> Securities litigation (28) |
| | <input type="checkbox"/> Product liability (24) | <input type="checkbox"/> Other contract (37) | <input type="checkbox"/> Environmental/Toxic tort (30) |
| | <input type="checkbox"/> Medical malpractice (45) | Real Property | <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) |
| | <input type="checkbox"/> Other PI/PD/WD (23) | <input type="checkbox"/> Eminent domain/Inverse condemnation (14) | Enforcement of Judgment |
| | Non-PI/PD/WD (Other) Tort | <input type="checkbox"/> Wrongful eviction (33) | <input type="checkbox"/> Enforcement of judgment (20) |
| | <input type="checkbox"/> Business tort/unfair business practice (07) | <input type="checkbox"/> Other real property (26) | Miscellaneous Civil Complaint |
| | <input type="checkbox"/> Civil rights (08) | Unlawful Detainer | <input type="checkbox"/> RICO (27) |
| | <input type="checkbox"/> Defamation (13) | <input type="checkbox"/> Commercial (31) | <input type="checkbox"/> Other complaint (not specified above) (42) |
| | <input type="checkbox"/> Fraud (16) | <input type="checkbox"/> Residential (32) | Miscellaneous Civil Petition |
| | <input type="checkbox"/> Intellectual property (19) | <input type="checkbox"/> Drugs (38) | <input type="checkbox"/> Partnership and corporate governance (21) |
| | <input type="checkbox"/> Professional negligence (25) | Judicial Review | <input type="checkbox"/> Other petition (not specified above) (43) |
| | <input type="checkbox"/> Other non-PI/PD/WD tort (35) | <input type="checkbox"/> Asset forfeiture (05) | |
| | Employment | <input type="checkbox"/> Petition re: arbitration award (11) | |
| | <input type="checkbox"/> Wrongful termination (36) | <input checked="" type="checkbox"/> Writ of mandate (02) | |
| | <input type="checkbox"/> Other employment (15) | <input type="checkbox"/> Other judicial review (39) | |

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. Large number of separately represented parties d. Large number of witnesses
 b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): two

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: August 16, 2018

William P. Parkin

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

Auto Tort

- Auto (22)–Personal Injury/Property
- Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death)

Tort

- Asbestos (04)
- Asbestos Property Damage
- Asbestos Personal Injury/ Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
- Medical Malpractice– Physicians & Surgeons
- Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
- Premises Liability (e.g., slip and fall)
- Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
- Intentional Infliction of Emotional Distress
- Negligent Infliction of Emotional Distress
- Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
- Legal Malpractice
- Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)
- Employment
- Wrongful Termination (36)
- Other Employment (15)

CASE TYPES AND EXAMPLES

| | |
|---|---|
| Contract | Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403) |
| Breach of Contract/Warranty (06) | Antitrust/Trade Regulation (03) |
| Breach of Rental/Lease | Construction Defect (10) |
| Contract (<i>not unlawful detainer or wrongful eviction</i>) | Claims Involving Mass Tort (40) |
| Contract/Warranty Breach–Seller | Securities Litigation (28) |
| Plaintiff (<i>not fraud or negligence</i>) | Environmental/Toxic Tort (30) |
| Negligent Breach of Contract/ Warranty | Insurance Coverage Claims (<i>arising from provisionally complex case type listed above</i>) (41) |
| Other Breach of Contract/Warranty | Enforcement of Judgment |
| Collections (e.g., money owed, open book accounts) (09) | Enforcement of Judgment (20) |
| Collection Case–Seller Plaintiff | Abstract of Judgment (Out of County) |
| Other Promissory Note/Collections Case | Confession of Judgment (<i>non-domestic relations</i>) |
| Insurance Coverage (<i>not provisionally complex</i>) (18) | Sister State Judgment |
| Auto Subrogation | Administrative Agency Award (<i>not unpaid taxes</i>) |
| Other Coverage | Petition/Certification of Entry of Judgment on Unpaid Taxes |
| Other Contract (37) | Other Enforcement of Judgment Case |
| Contractual Fraud | Miscellaneous Civil Complaint |
| Other Contract Dispute | RICO (27) |
| Real Property | Other Complaint (<i>not specified above</i>) (42) |
| Eminent Domain/Inverse Condemnation (14) | Declaratory Relief Only |
| Wrongful Eviction (33) | Injunctive Relief Only (<i>non-harassment</i>) |
| Other Real Property (e.g., quiet title) (26) | Mechanics Lien |
| Writ of Possession of Real Property | Other Commercial Complaint Case (<i>non-tort/non-complex</i>) |
| Mortgage Foreclosure | Other Civil Complaint (<i>non-tort/non-complex</i>) |
| Quiet Title | Miscellaneous Civil Petition |
| Other Real Property (<i>not eminent domain, landlord/tenant, or foreclosure</i>) | Partnership and Corporate Governance (21) |
| Unlawful Detainer | Other Petition (<i>not specified above</i>) (43) |
| Commercial (31) | Civil Harassment |
| Residential (32) | Workplace Violence |
| Drugs (38) (<i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i>) | Elder/Dependent Adult Abuse |
| Judicial Review | Election Contest |
| Asset Forfeiture (05) | Petition for Name Change |
| Petition Re: Arbitration Award (11) | Petition for Relief From Late Claim |
| Writ of Mandate (02) | Other Civil Petition |
| Writ–Administrative Mandamus | |
| Writ–Mandamus on Limited Court Case | |
| Case Matter | |
| Writ–Other Limited Court Case Review | |
| Other Judicial Review (39) | |
| Review of Health Officer Order | |
| Notice of Appeal–Labor Commissioner Appeals | |

CIVIL CASE COVER SHEET